

REMARKS

Applicants appreciate the Examiner's thorough examination of the application and request reexamination and reconsideration of the application in view of the following remarks. Applicants also appreciate the Examiner's indication that the subject matter of claim 18 is allowable.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Through the above amendments, Applicants have amended independent claim 8 to include the features of claim 18, merely to advance the prosecution of the subject application, and cancelled claims 18 and 25. No new matter has been added through the above amendments. Accordingly, claims 8-14 and 21-24 remain pending in the application.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claim 25 under 35 U.S.C. § 112, second paragraph, as being duplicative of claim 21. Applicants have cancelled claim 25 through the above amendments. Accordingly, the § 112 rejection has been overcome.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 8-14 and 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Kuwahara (U.S. Patent No. 5,271,479) in view of Trbojevich (U.S. Patent No. 2,313,183). As noted above, claim 25 has been cancelled from the subject application. Accordingly, the rejection of claim 25 has been rendered moot.

Applicants acknowledge and appreciate the Examiner's indication that dependent claim 18 would be allowable if rewritten in independent form. Although Applicants maintain that the claims are patentable over the references, Applicants have amended independent claim 8 to include the features of allowable claim 18 merely to advance the prosecution of the subject application. Accordingly, independent claim 8, and dependent claims 9-14 and 21-24, are in condition for allowance for at least this reason.

Conclusion

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed no fees are due with this response. However, if any fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 66968-0030 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Application No. 10/579,083
Amendment dated January 12, 2010
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Docket No.: 66968-0030

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Respectfully submitted,

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